



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/20/2020

JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

WILLIAM K. OATES
Tel: (212) 356-2416
woates@law.nyc.gov

March 19, 2020

VIA ECF

Hon. Mary Kay Vyskocil
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *I.C., et al. v. N.Y.C. Dep't of Educ., et al.*, 20 Civ. 00259 (MKV) (SLC)

Dear Judge Vyskocil:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel James E. Johnson, attorney for Defendants in the above-referenced action wherein Plaintiff seeks attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.*, as well as for this action. We write jointly on behalf of all parties to advise the Court on the status of possible settlement of this action and to respectfully request a thirty-day enlargement of all deadlines in this case.

Defendants' counsel's office is currently in the process of obtaining the approval of the Comptroller's Office in order to engage in settlement negotiations with Plaintiff's counsel. We anticipate completing the submission process to the Comptroller by no later than April 3, 2020. This process has been slowed considerably by the need to work remotely which is causing administrative delays for which we believe the requested time will be necessary to overcome any obstacles and to achieve early settlement. As of today, March 19, 2020, the undersigned counsel for Defendants has very limited access to the offices at 100 Church Street due to the COVID-19 epidemic and potential exposure to a colleague who has tested positive for the COVID-19 virus. Further, with respect to the conference currently scheduled for April 14, 2020, by Standing Order M10-468 on March 13, 2020, Chief Judge McMahon barred entry to the Southern District of New York courthouse to any "persons who have been diagnosed with, or have had contact with, anyone who has been diagnosed with COVID-19."

Defendants remain committed toward negotiating a full resolution of this case and are optimistic that the parties will engage in fruitful negotiations. The requested adjournment will permit the parties to abide by Chief Judge McMahon's Order and limit the potential exposure of COVID-19 to others. Additionally, the requested extension of Defendants' time to respond will

permit the parties to work toward a full settlement of this case. Towards that end, if Defendants' counsel receives settlement authority, Defendants will engage in settlement negotiations prior to the deadlines requested herein.

Accordingly, the parties respectfully request a 30-day enlargement of the following scheduled deadlines:

- Defendants' time to respond: from March 26, 2020 to April 27, 2020; and
- Pre-trial conference, adjourned from April 14, 2020 at 10:30 a.m. to May 16, 2020 at 10:30 a.m., or at a date and time thereafter convenient for the Court.

Thank you for considering these requests.

Respectfully submitted,

s/ William K. Oates


William K. Oates
Special Assistant Corporation Counsel

s/ Rebecca Shore

Rebecca Shore
Advocates for Children of New York, Inc.
151 West 30th Street, 5th Floor
New York, NY 10001
Attorney for Plaintiff

GRANTED. Defendants should answer or otherwise respond to the Complaint on or before April 27, 2020. The Pretrial Conference scheduled for April 14, 2020 is adjourned to May 19, 2020 at 10:00AM. SO ORDERED.

Date: 3/19/2020
New York, New York


Mary Kay Vyskocil
United States District Judge